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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,042	07/18/2002	Jorg Peter Schur	von Kreisler.022	9726

110 7590 03/29/2006

DANN, DORFMAN, HERRELL & SKILLMAN  
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EXAMINER

LEVY, NEIL S

ART UNIT PAPER NUMBER

1615

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The IDS submitted, covering 7 pages of references, has been considered & references examined to the extent they would be in an electronic search.

Applicant's explanation that the claim 4 limitation limits the essential component is persuasive, & the rejection under #112 is withdrawn.

Claims 5, 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Thirumalachar et al 4544666.

Tannins, tannic acid relatively non-toxic (col. 3, A) to plants and animals, but not to fungi, bacteria and other microbes (col. 1, 2) are provided in non-toxic carrier (A-2, col. 4, col. 6, 7 C.) the instant glycerol, and propylene glycol, by spraying wood plants (1-4, grapes) and (C-1) impregnation of trees. The doses used are non-toxic (D-10).

The compositions do not interfere with the function of protecting against microbes, they have no deleterious effects on the function of the methods of treatment of wood; thus the added ingredients are not outside the instant open claim language.

Claims 1-10, 12, 13, 19-21, 24, 30, 36, 43, 46-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blum et al 6207290 and Kuwazuru et al 565432 in view of Thirumalachar et al and Watt 5397385 and Bessett et al WO 98/54971

Applicant's arguments filed 12/12/05 have been fully considered but they are not persuasive. Applicant's arguments in essence are that the prior art utilizes compositions not limited to the instantly claimed essential ingredients. Examiner finds

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the prior art addresses the instant methods of treatment, & one in the art would know to apply the instant non critical components & concentrations thereof in order to protect woods from a number of adverse conditions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THURMAN PAGE can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NEIL LEVY

NEIL S. LEVY  
PRIMARY EXAMINER